THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5466 of 2007

Dated:07.08.2007

Between
Precot B Mills Employees Union
Rep., by its General Secretary
DV Jayaram Reddy

.....Petitioner

and

1.The Government of AP
rep., by its Commissioner of
Labour, RTC X Roads, Hyderabad
and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5466 of 2007

ORDER

This writ petition is filed seeking a Mandamus to declare that the procedure adopted by the second respondent in conducting the verification of majority union operating in the third respondent is in violation of the principles of natural justice and fair play and consequently to restrain the second respondent from conducting the verification of the majority union operating in the third respondent-organization till the voters' list of the workmen working in the third respondent is finalized.

It appears that though such a relief is sought, the only controversy between the management and the union is as to the participation of the casual workers in the industry for the verification.

According to the petitioner, the verification was conducted insofar as casual workers are concerned on the basis of a list of the year 2004. Many of the workers are not being continued as on the date of verification i.e., 19.3.2007. In the absence of furnishing a latest list of the casual labour working with the organization by the Management, the verification officer could not have proceeded with and allowed the casual labour to participate in the verification, on the basis of 2004 list.

Now the management has furnished the list of casual workers working in the organization as on 19.3.2007. They are 238 in number whereas the learned counsel for the 4th respondent- union states that the list of 2004 is valid since no list of casual worker as on 19.3.2007 was available. According to the Management, many of the casual labour were left the employment and therefore, as on 19.3.2007 there were only 238 labour working in the organization contrary to the list of 2004 wherein 268

workers were shown.

Under those circumstances, the 2nd respondent is directed to take into consideration the list furnished by the management as to the casual workers working in the organization as on 19.3.2007 and conduct fresh verification sofar as the casual workers are concerned. Further, 2nd respondent shall allow only those casual workers who are members of either of the union and those who are not members of the union as on 19.3.2007 shall not be permitted to participate in the verification. After completion of the verification, the results may be declared as per law.

Writ petition is accordingly disposed of. No costs.

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07-08-2007

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